THE HON'BLE Ms. JUSTICE G. ROHINI.

WRIT PETITION No.5048 OF 1997

ORAL ORDER:

The petitioner claims title and possession in respect of Ac.4.21 cents and Ac.3.50 cents of land situated in Sy.Nos.265 and 237, respectively, of Belagota village. He states that his father mortgaged the above said land under a registered simple mortgage dated 17.5.1967 to M/s H. Narayana Reddy & Sons, represented by its Managing Partner, H. Narayana Reddy, the 1st respondent herein, for a sum of Rs.2,500/-. Subsequently, the said mortgage debt was discharged by his father. Though the said land was never in possession and enjoyment of the 1st respondent, the 2nd respondent, who is the son of the 1st respondent, in his declaration in C.C.No.2590/ALR/75 made under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 had erroneously included the above said land. The father of the petitioner filed an objection petition on 7.8.1975 stating that the 2nd respondent has no title or possession in respect of the said land. No orders were passed on the said objection petition, but on the other hand, on 10.1.1995 the Mandal Surveyor attempted to take possession of the land claiming that the said land forms part of the surplus land in the declaration made by the 1st respondent and his joint family. The petitioner's father again submitted an objection petition on 10.1.1995 before the 4th respondent, but the same was not considered. In the meanwhile, the petitioner's father died on 21.2.1996. Taking advantage of the subsequent events, the 3rd respondent has been taking steps to dispossess the petitioner. Hence, this writ petition.

Neither the order dated 29.1.1977 passed by the Land Reforms Tribunal, Adoni-II, nor the objection petition said to have filed by the father of the petitioner, is placed before this Court. Even the petitioner

did not choose to place on record the alleged mortgage deed dated 17.5.1967 and any other material showing that the said mortgage was discharged by his father, as pleaded by him. Absolutely, no case is made out to show that there is any inaction on the part of the respondents 3 and 4 in discharging the statutory obligation. Hence, the Writ of Mandamus as prayed for cannot be granted.

However, having regard to the assertion made by the petitioner that he is continuing in possession, and particularly the interim stay of dispossession granted by this Court on 13.3.1996, which has been operative throughout, I deem it appropriate to dispose of the writ petition with a direction to the respondents that if the petitioner is in possession as on today, he shall not be dispossessed without following due process of law.

With the above observation, the writ petition is disposed of. No costs.

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(G. ROHINI, J.)

19th December, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 5048 OF 1996

19th December, 2006.

Between:

K. Harischandrappa. .. Petitioner.

And

H. Narayana Reddy and others. .. Respondents.